

Ser. No. 10/089,903  
Customer No. 24498

PF990066

**Remarks/Arguments**

Claims 1-6 are pending. Claims 1 and 5 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

**A. Rejection of claims 1-3, 5-6**

Claims 1-3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally (US Pat. No. 5,619,337), Yoneda et al (EP 0 841 819) and Sato (US Pat 6,009,078).

Applicants submit that for the reasons discussed below present claims 1-3 and 5-6 are patentably distinguishable over the teachings of Naimpally, Yoneda and Sato.

As acknowledged by the office action, Naimpally does not teach controlling the quantity of data packets in each buffer in order to trigger the writing of the buffer contents to the recording medium when the sum of data packets in all buffers reaches a predetermined level.

In Yoneda, as mentioned on column 47 lines 15-18, there is one audio buffer in the audio buffering means and one video buffer in the video buffering means. Moreover, on column 47 lines 7- 15, it is clearly stated that "when the audio buffer is filled up, the audio buffering means 801 outputs the content of the buffer to the file management means 803 wherein it is written in the storage unit. Likewise, the video buffering means 802 contains a video buffer. When the video buffer is filled up, the video buffering means 802 outputs the content of the buffer to the file management means 803 wherein it is written in the storage unit".

As acknowledged in the office action, the proposed combination of Naimpally and Yoneda does not disclose monitoring a total sum quantity of data stored in the plurality of N buffers.

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Applicant submits that amended claim 1 is also distinguishable over the teachings of Sato. Amended claim 1 recites a method for recording data in a digital video processing device connectable to a recording medium, comprising the steps of:

- receiving a stream of data packets, each data packet being associated with one of N packet identifiers;
  - providing N ( $N > 1$ ) buffers for receiving respectively packets corresponding to one of N packet identifiers;
  - monitoring a total sum quantity of data stored in the plurality of N buffers;
- and
- triggering a writing process of the data contained in the plurality of buffers to the recording medium when said total sum quantity of data reaches a predetermined level, said predetermined level being dependant on at least one characteristic of the recording medium. (emphasis added)

Sato proposes an ATM switch which has a plurality of input and output ports, a port buffer being arranged for each of the output ports and is given a minimum guaranteed value which represents the minimum number of output cells sent to each output port even when traffic congestion takes place at the other output ports.

So, the total quantity of data in the output port buffers is indeed monitored but this is done in order to detect traffic congestion on the network and to assure delivery of the output cells equal to the minimum guaranteed value (see abstract of Sato). Sato therefore does not disclose that the level is dependant on at least one characteristic of the recording medium because Sato does not disclose any recording medium and moreover the level depends on the ATM network.

Therefore, the Applicant respectfully submits that Naimpally, Yoneda and Sato in combination fail to teach or suggest each and every limitation of amended claim 1.

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Likewise, the Applicant's independent claim 5 recites similar relevant features as recited in the Applicant's claim 1. As such and for at least the reasons recited above, the Applicant submits that independent claim 5 is also patentable over the teachings of Naimpally in view of Yoneda, and Sato, as such, fully satisfies the requirements of 35 U.S.C. § 103(a).

Furthermore, the Applicant's dependent claims 2-3 and 6 depend either directly or indirectly from the Applicant's independent claim 1 or 5 and recite additional features thereof. As such, the Applicant submits that at least because the Applicant's claim 1 is patentable over the teachings of Naimpally in view of Yoneda and Sato, the Applicant further submits that the Applicant's dependent claims 2-4 and 6, which depend either directly or indirectly from the Applicant's claim 1 or 5, are also patentable over by the teachings of Naimpally in view of Yoneda and Sato, and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

#### **B. Rejection of claim 4**

The Examiner rejected the Applicant's claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Naimpally, Yoneda and Sato as applied to claims 1-3, 5-6 above, further in view of Deo et al. (US patent 6,304,914, hereinafter "Deo"). The rejection is respectfully traversed.

The Examiner applied Naimpally, Yoneda and Sato for his rejection of claim 4 as applied above to claims 1-3 and 5-6. As described above, the Applicant respectfully submits that Naimpally, Yoneda and Sato fails to teach or suggest at least the Applicant's amended claim 1. As such and for at least the reasons recited above with respect to claim 1, the Applicant respectfully submits that at least because Naimpally, Yoneda and Sato fails to teach or suggest at least the Applicant's amended claim 1, Naimpally, Yoneda and Sato also fails to teach,

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suggest or make obvious the Applicant's claim 4, which depend directly from the Applicant's claim 1 and recite addition features thereof.

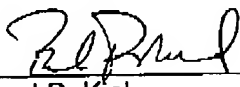
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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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